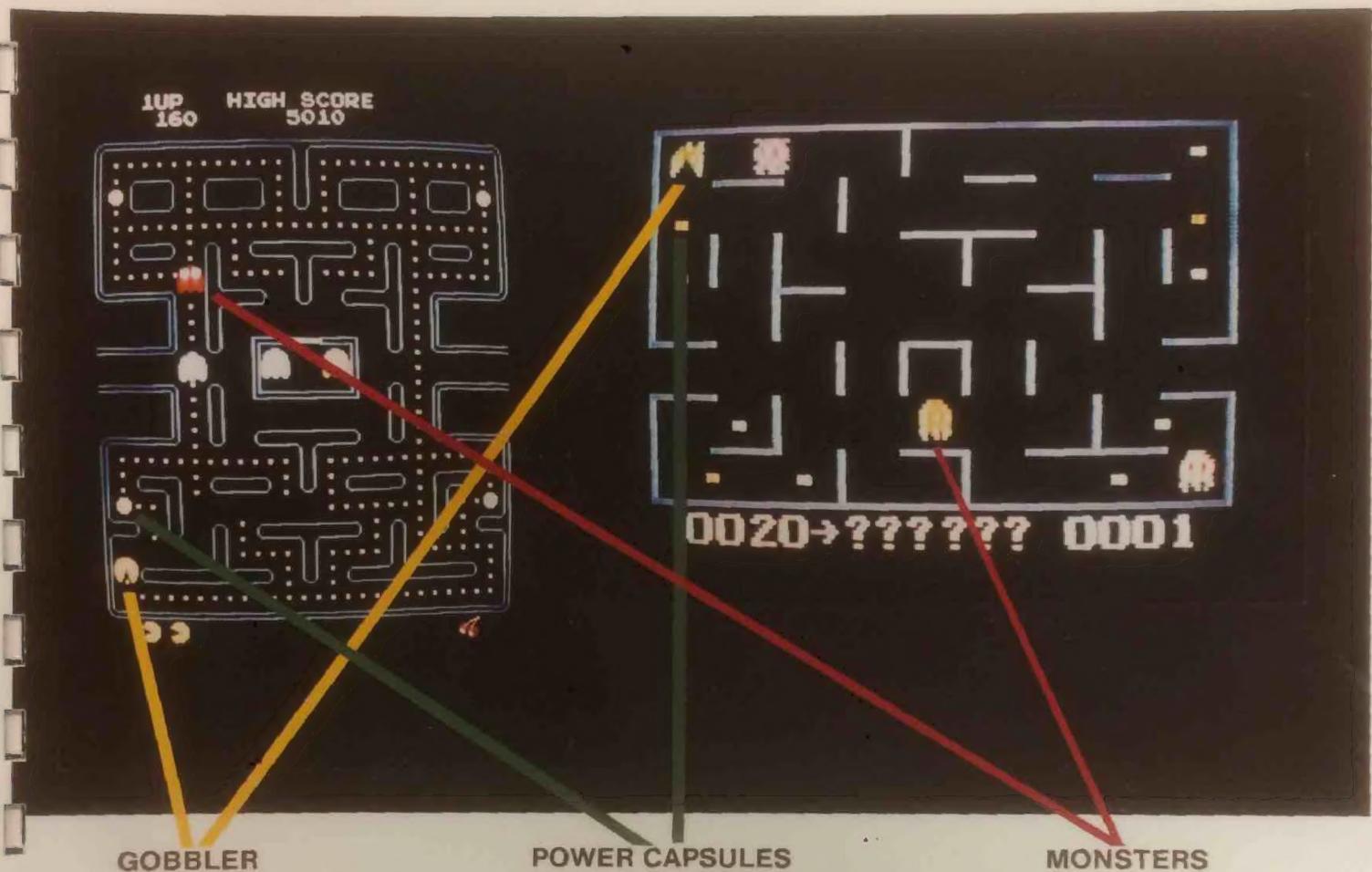


PAC-MAN

K.C. MUNCHKIN



K.C. MUNCHKIN COPIES THE CHARACTERS OF PAC-MAN

The principal characters of both PAC-MAN and K.C. Munchkin are a gobbler and several monsters.

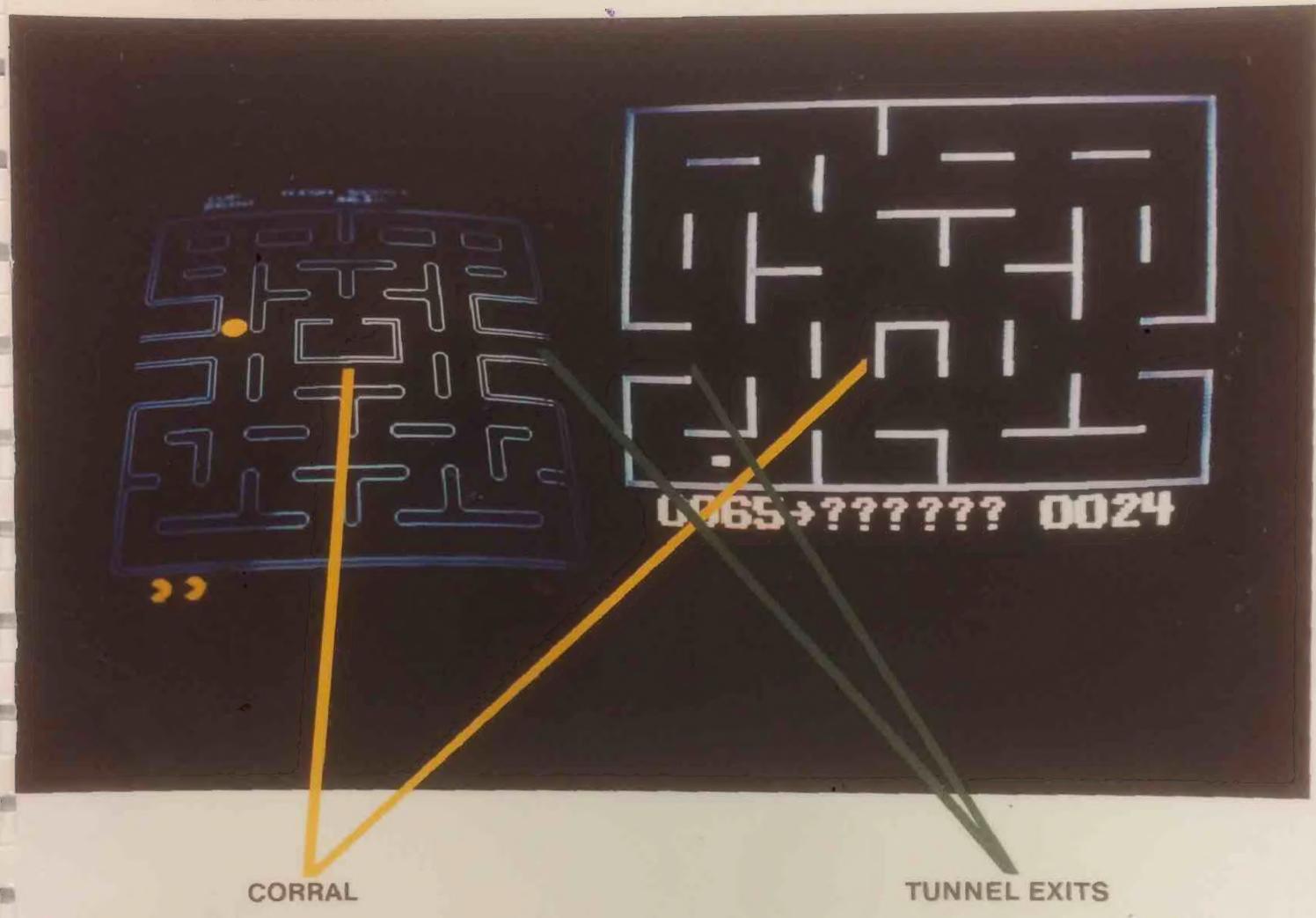
The gobbler in each is controlled by the player and has a generally circular shape with a wedge-shaped mouth which opens and closes for munching dots.

PAC-MAN was the first video game to use a gobbler character, a feature copied in K.C. Munchkin. (Tr. 149). The monsters each appear in a different color and each has the same general shape, two eyes, and tiny feet.

Each work also comprises a blue maze with dots and four flashing "power capsules." (Tr. 62, 64-65, 148, 160, 199-200).

PAC-MAN

K.C. MUNCHKIN



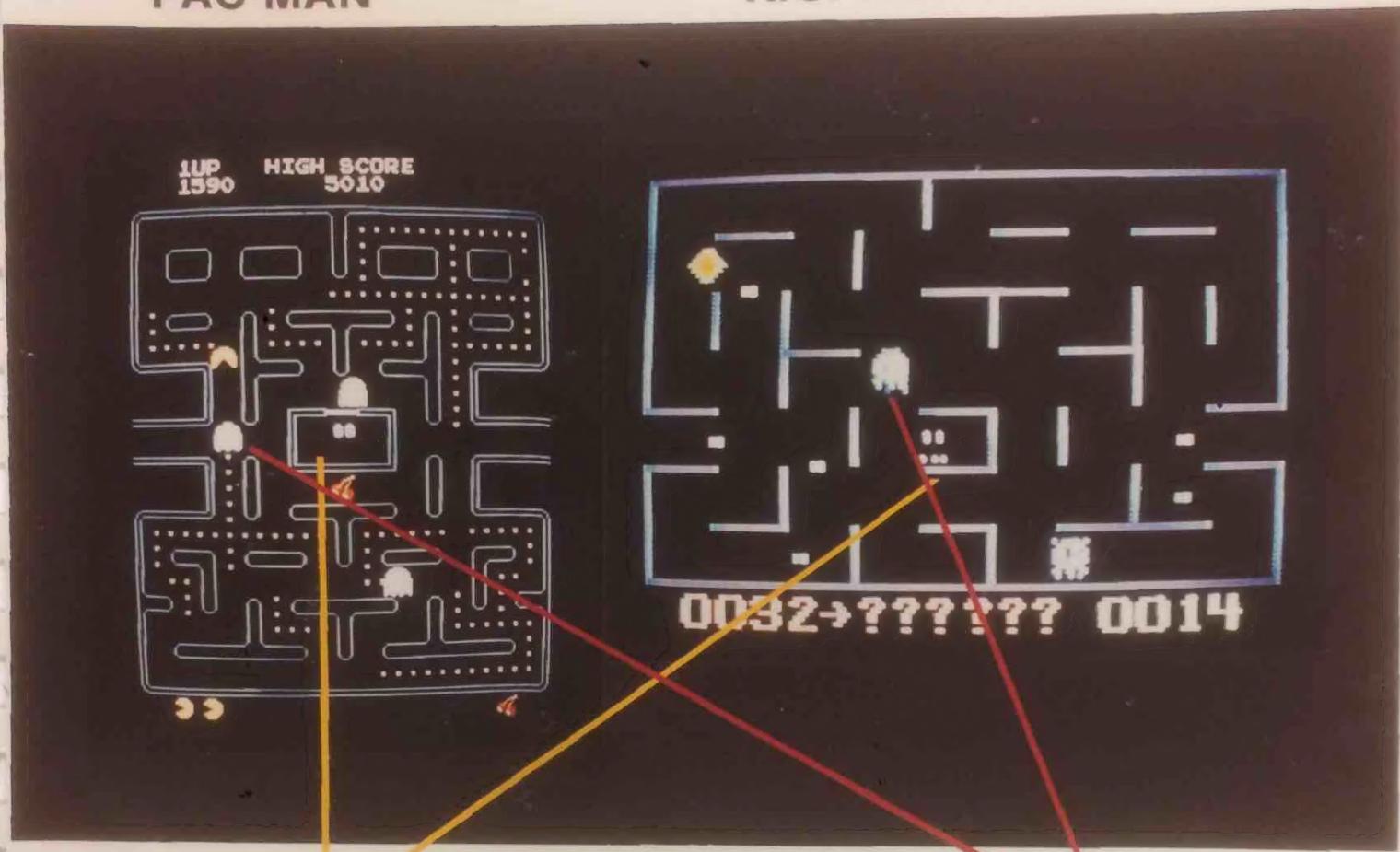
K.C. MUNCHKIN'S BASIC MAZE IS SUBSTANTIALLY SIMILAR TO PAC-MAN'S MAZE

Each maze is defined by blue lines and fills the whole video screen. However, K.C. Munchkin has single, thick blue lines instead of the double, thin lines used in PAC-MAN. The corrals (ref.), wall elements and paths in each maze are virtually identical in location and orientation. K.C. Munchkin just omits one line of elements near the bottom. This permits K.C. Munchkin to compress the vertical PAC-MAN maze into a horizontal home television screen without substantially shifting the location and orientation of the remaining elements.

Each maze has a special "tunnel exit" (ref.) on each side so that the gobbler and monsters can exit one edge of the screen and re-enter on the opposite side. (Tr. 58-59, 62-63, 149-150). PAC-MAN was the first maze game to utilize this "tunnel exit" feature, which is copied in K.C. Munchkin. (Tr. 150).

PAC-MAN

K.C. MUNCHKIN



EYES OF CAPTURED
MONSTERS RETURN
TO CORRAL

MONSTERS TURN BLUE
AFTER GOBBLER MUNCHES
FLASHING POWER CAPSULE

THE ROLE REVERSAL SEQUENCE WHICH IS THE HEART OF PAC-MAN WAS IDENTICALLY COPIED BY K.C. MUNCHKIN

"One of the most distinctive features of PAC-MAN" is identically copied in K.C. Munchkin. (Tr. 150.)

When the gobbler munches one of the four flashing power capsules, each monster turns blue and the roles reverse with the gobbler becoming the pursuer. If the gobbler overpowers a monster, the monster loses its shape and color but its eyes in white silhouette return to the corral at the center of the maze (ref.) where the monster is regenerated and re-enters the maze. When the short period of the monsters' vulnerability ends, the monsters warn the player by chase of the gobbler. (Tr. 39, 62, 150, 203).

PAC-MAN was the first video game to have these features which are copied in K.C. Munchkin. (Tr. 150.)

CERTIFICATE OF SERVICE

I, Daniel W. Vittum, Jr., hereby certify that on December 21, 1981, I caused two copies of the BRIEF OF APPELLANTS ATARI, INC. AND MIDWAY MFG. CO. and of their Supplemental Appendix to be hand delivered to Theodore W. Anderson, Gregory B. Beggs, and James T. Williams of NEUMAN, WILLIAMS, ANDERSON & OLSON, Room 2000, 77 West Washington Street, Chicago, Illinois 60602, attorneys for appellees.

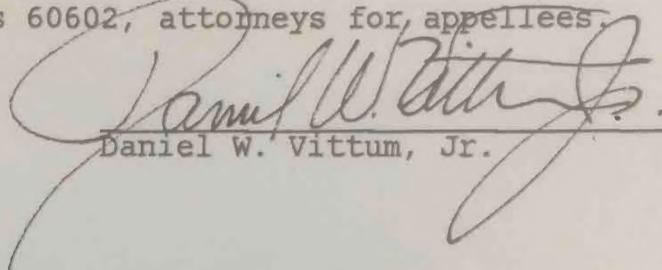

Daniel W. Vittum, Jr.

EXHIBIT
PLT 34

WHEREAS, Namco-America, Inc. ("Licensor") is the exclusive licensee in the United States of America and its territories and possessions of the copyrights in the works listed on the attached Exhibit A, and of the trademarks set forth on the attached Exhibit A, for home video games and personal computers, together with the right to grant sub-licenses thereunder; and

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Dated as of the 27 day of April, 1981.

NAMCO-AMERICA, INC.
Licensor

By Shigeki Ito
Title President

Date of Signature: NOV. 10, 1981

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ss
County of Santa Clara)

On this 10 day of November, 1981, before me personally appeared HIDEYUKI NAKAJIMA, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on behalf of NAMCO-AMERICA, INC.



Mary A. Haycock
Notary Public

My Commission expires:

OCT 4, 1982

ATARI, INC.
Licensee

Charles Paul

Title Senior Vice President

State of California)
ss
County of Santa Clara)

On this 10 day of November, 1981, before me personally appeared CHARLES S. PAUL, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on behalf of ATARI, INC.



Mary A. Haycock
Notary Public

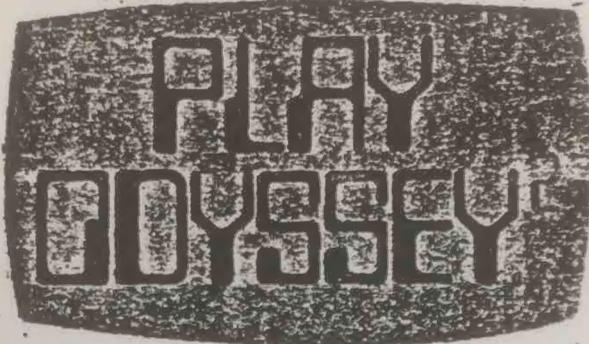
My Commission expires:

OCT 4, 1982

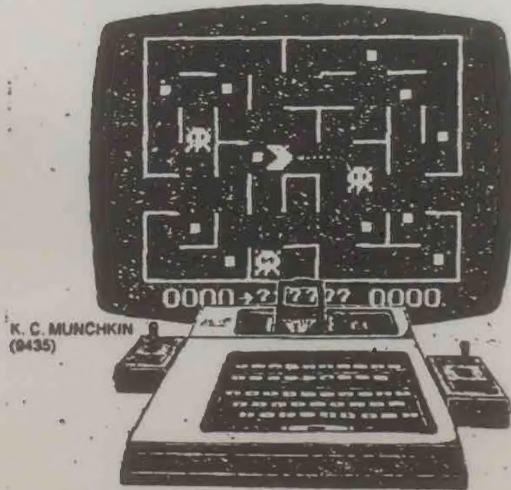
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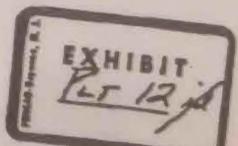
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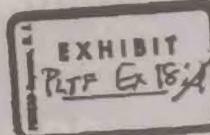
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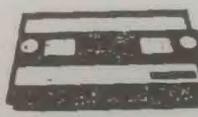
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